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REGULATION No. II OF 1902.

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REGULATION No. II OF 1902.

(PASSED ON THE 15TH DAY OF JUNE 1902.)

A Regulation to make better provision for the constitution of Local Boards in Mysore.

Whereas it is expedient to make better provision for the constitution of Local Boards to administer the expenditure of District Funds in Mysore, and to define and regulate the powers to be exercised by those Boards; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

CHAPTER I.
PRELIMINARY.

1. (1) This Regulation may be called "The Mysore Local Boards Regulation, 1902." Short title.

(2) It shall extend to the whole of Mysore. Extent.

(3) It shall come into force from the date of the passing thereof. Commencement.

2. In this Regulation— Interpretation.

(1) "District" includes such part of a District as the Government may, by a notification in the official Gazette, declare to be a District for the purposes of this Regulation.

(2) "Deputy Commissioner" includes the Officer in charge of the Revenue administration of a part of a District declared as aforesaid to be a District for the purposes of this Regulation.

(3) "Taluk" includes a sub-division of a Taluk declared by the Government, by notification in the official Gazette, to be a Taluk for the purposes of this Regulation.

(4) "Union" means any village or villages which may be declared by the Government, by notification in the official Gazette, to be a Union for the purposes of this Regulation.

(5) "Prescribed day" means such day as the Government may, from time to time, prescribe.

CHAPTER II.
CONSTITUTION OF DISTRICT AND TALUK BOARDS AND PANCHAYATS.

3. The Government may, with effect from such date as it may appoint, establish, by notification in the official Establishment of Panchayats and Taluk and District Boards

Gazette, for each Union a Panchayat having authority over the Union, for each Taluk a Taluk Board having authority over the Taluk, and for each District a District Board having authority over the entire District, provided that such portions of a Union, Taluk or District as are included in a Municipality shall be excluded from the jurisdiction of the Panchayat or the Taluk or District Board.

Number and appointment or election of members.

4. (1) Each District Board and each Taluk Board shall consist of such number of members, not less than six, and each Panchayat of such number of members not less than five, as the Government may fix in this behalf.

(2) The members may be appointed by Government either by name or by official designation, or may be elected in accordance with rules made by Government under this Regulation, or some may be appointed and some elected, as the Government, from time to time, directs.

Provided that the number of members of a District or Taluk Board appointed by official designation shall not exceed one-third of the whole number of members of such Board.

Consequences of District Board coming into existence.

5. When a District Board comes into existence under section 3 for any local area, the following consequences shall ensue, namely—

(1) The rules published with the Chief Commissioner's Notification No. 110, dated the 4th July 1874, shall cease to apply to such local area, but not so as to render invalid anything done in accordance therewith.

(2) The District Committee constituted under the aforesaid Rules shall cease to exist.

(3) All property of whatever kind and all institutions committed to the management of the said Committee under the aforementioned Rules, shall vest in the District Board for the purposes of this Regulation, subject to all rights, (if any) existing over, and all debts, liabilities and obligations (if any) affecting, such property and institutions.

(4) All rules and orders made under the aforesaid Rules, and all other rules, if any, in force and relating to any of the matters hereinafter dealt with, shall, so far as they are consistent with this Regulation, be deemed to have been made hereunder.

(5) When more than one District Board shall be established for the area within the jurisdiction of a District Committee, the assets and liabilities of the latter shall be

distributed among such District Boards in such proportion as may be deemed most equitable by the Government.

Incorporation of District Boards.

6. Every District Board shall be a body corporate by the name of the District Board of its District, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any moveable property and, with the previous sanction of the Government, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

But nothing herein contained shall empower any Board to raise loans for any of the purposes of this Regulation, without the previous sanction of the Government.

CHAPTER III.

Powers and duties of Local Boards.

Powers and duties of District Boards.

Matters to be controlled and administered by District Boards.

7. Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, provide for the control and administration of the following matters within the area subject to its authority:—

(*a*) the construction, repair and maintenance of public roads and other means of communication;

(*b*) the planting and preservation of trees on the sides of roads and on other public ground;

(*c*) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*d*) the construction and repair of public wells, tanks, and water works, the supply of water from them and from other sources, and the preservation from pollution of water for drinking and cooking purposes;

(*e*) the establishment and maintenance of such relief works in time of famine or scarcity as may be entrusted to the charge of the District Board by the Government;

(*f*) the establishment and management of cattle-pounds, including such functions of the Government and the Magistrate of the District under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, as may be transferred to the District Board by the Government;

(*g*) the management of such public ferries as may be entrusted to its charge;

(*h*) the institution, holding and management of agricultural shows and industrial exhibitions;

(*i*) the maintenance of any building or other property which is vested under this Regulation in the District Board, or may be placed by the Government under the management of that Board; and

(*j*) any other local works or measures likely to promote the health, comfort, convenience, interest or welfare of the public.

Relations of Panchayats, Taluk Boards and District Boards.

Duties of Taluk Boards.

8. (1) Every Taluk Board shall, in the area under its authority, be the agent of the District Board, and, as such agent, shall have such authority and discharge such duties in respect of all or any of the matters specified in section 7, as the District Board may, by written authority in that behalf, from time to time, confer or impose upon it.

Duties of Panchayats.

(2) Every Panchayat shall, in the area under its authority, be the agent and under the control of the Taluk Board, and as such agent, shall have such authority and discharge such duties in respect of all or any of the matters specified in section 7, as the Taluk Board, with the approval of the District Board, may, by written authority in that behalf, from time to time confer or impose upon it.

Taluk Boards to submit annual statements, estimates, &c., to District Boards.

9. (1) Every Taluk Board shall submit annually to the District Board of its District, on or before such date as the said Board may appoint in this behalf, a statement of the requirements, and an estimate of the probable expenditure, of the Taluk Board for the coming official year, and a report of its proceedings, and an account of its receipts and expenditure for the past official year; and shall also submit to the District Board such other reports, if any, as the said Board may from time to time require.

(2) Every Panchayat shall submit annually to the Taluk Board of its taluk, on or before such date as the said Board may appoint in this behalf, a statement of the requirements, and an estimate of the probable expenditure, of the Panchayat for the coming official year, and a report of its proceedings, and an account of its receipts and expenditure for the past official year; and shall also submit to the Taluk Board such other reports, if any, as the said Board may from time to time require. And Panchayats to Taluk Boards.

10. A Taluk Board shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the District Board of its district. Limits on expenditure of Taluk Boards and Panchayats.

And a Panchayat shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the Taluk Board of its taluk.

11. A District Board may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a Taluk Board or Panchayat for an area within its district. Power to reverse or vary resolution of Taluk Board or Panchayat.

And a Taluk Board may, by a similar majority, reverse or vary any resolution of a Panchayat for a Union within its taluk.

12. (1) If the Taluk Board makes default in the performance of any duty imposed on it by or under this Regulation, the District Board may, by order in writing, fix a period for the performance of the duty. Power to provide for performance of duty in default of Taluk Board or Panchayat.

If the duty is not performed within that period, the District Board may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the funds appropriated to or for the purposes of the Taluk Board.

(2) If a Panchayat makes default in the performance of any duty imposed on it by or under this Regulation, the Taluk Board may, by order in writing, fix a period for the performance of the duty.

If the duty is not performed within that period, the Taluk Board may appoint some person to perform it and may provide for the expenses of, and incidental to, its performance out of the funds appropriated to or for the purposes of the Panchayat.

Power to declare Taluk Boards independent.

13. (1) The Government may from time to time, by notification in the official Gazette, declare any Taluk Board established under this Regulation to be an independent Board, and may in like manner cancel such notification.

(2) A Taluk Board so declared shall, while the notification is in force, so far as may be, have, within the area subject to its authority, the powers, perform the duties, and be subject to the liabilities, of a District Board under this Regulation, and shall cease to be the agent of, and under the control of, the District Board.

Joint Committees.

Joint Committees.

14. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Committee or with more than one such Board or Committee in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Committees concerned, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more Boards or Committees acting under this section, the decision thereon of the Deputy Commissioner, if the Boards or Committees are in the same district, or of the Government, if they are not in the same district, shall be final.

Conduct of Business.

Election or appointment of Chairman President and Vice-President

15. (1) A member of every Panchayat shall be elected or appointed to be Chairman of the said Panchayat.

A member of every District Board or Taluk Board shall be elected or appointed to be President of the said Board; and any other member may be elected or appointed to be Vice-President.

The Chairman of a Panchayat, and the President and the Vice-President of a District or Taluk Board shall hold office for such term as the Government may, by a rule under this Regulation, fix.

(2) The Government shall determine, as regards each Panchayat or Board or as regards any class of Panchayats or Boards, whether the Chairman or the President and Vice-President shall be persons appointed by virtue of their office or by name, or shall be elected.

Who to preside at meetings.

(3) At every meeting of a Panchayat the Chairman shall preside, and in his absence the members of the Panchayat present shall appoint one of their number to preside thereat.

At every meeting of a District or Taluk Board, the President or, in his absence the Vice-President, shall preside. If, when any meeting is held, the offices of President and Vice-President are both vacant, or the President and Vice-President are both absent from the meeting, the members present shall appoint one of their number to preside thereat.

Certain officers entitled to attend and speak.

(4) The Principal Medical Officer of the District, the Executive Engineer and the Inspector or Deputy Inspector of Schools of the Circle shall be entitled, if they be not already members, to attend any meeting of a District Board or Taluk Board and to address such Board on any matter affecting, respectively, medical aid and sanitation, public works and public instruction; and shall furnish their advice in matters concerning their respective Departments whenever called upon to do so by the District Board or Taluk Board.

Proceedings to be recorded.

16. Every resolution passed by a District Board, Taluk Board or Panchayat at a meeting shall be recorded in a book to be kept for the purpose, and shall be signed by the President or Chairman, or the member who presided at such meeting or at the next ensuing meeting.

A copy of every resolution passed by a Panchayat at a meeting shall, within three days from the date of the meeting, be forwarded to the President of the Taluk Board.

A copy of every resolution passed by a Taluk Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Board and to the Deputy Commissioner.

A copy of every resolution passed by a District Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner,

who shall submit the same to Government with his remarks, if any, and the Government may pass such orders thereon as it may think proper and may also direct its publication in the official Gazette.

Rules as to meetings and proceedings.

17. Every District Board and, with the previous sanction of the District Board, every Taluk Board, and, with the previous sanction of the Taluk Board, every Panchayat, may, from time to time, make rules as to the time and place of its meetings, the conduct of proceedings at meetings, and the appointment, powers and proceedings of Committees;

Proviso.

Provided that no rule made under this section shall be inconsistent with this Regulation or with any rules made by the Government under this Regulation.

Officers and Servants.

Employment of officers and servants.

18. (1) Every District Board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties, and may assign to them such pay, leave allowances, gratuities and pensions as it thinks fit.

(2) Every Taluk Board may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the District Board of its District thinks requisite and sufficient.

(3) Every Panchayat may employ such officers and servants and may assign to them such pay, leave allowances, gratuities and pensions as the Taluk Board with the approval of the District Board thinks requisite and sufficient.

(4) In the case of an officer lent by the Government, the District Board, Taluk Board or Panchayat shall make such contributions as Government may direct to any leave allowance, gratuity or pension which he may become entitled to in accordance with the rules for the time being in force.

(5) If, in the opinion of the Government,—

(*a*) the number of persons employed by a District Board, Taluk Board, or Panchayat under this section or the pay, allowances, gratuities, or pensions assigned by the District Board, Taluk Board or Panchayat to those persons or to any particular person, is or are excessive, or

(*b*) any such person is unfit for his employment, the District Board, Taluk Board or Panchayat shall, on the requirement of the Government, reduce the number or remuneration, or, as the case may be, dismiss the unfit person.

Vesting of property.

Power to vest property in District Board

19. The Government may, from time to time, by notification in the official Gazette, direct that any property, moveable, or immoveable, which is vested in the Government, shall vest in any District Board; and thereupon that property shall vest in that Board for the purposes of this Regulation, subject to all rights over, and all debts, liabilities and obligations (if any) affecting, that property.

Finance.

Constitution of District Fund.

20. (1) There shall be formed for each District a fund to be called the District Fund, and there shall be placed to the credit thereof—

1. such portion of the local cess on land revenue and of other local rates as the Government may, from time to time, assign for expenditure by Local Boards in the District;

2. a tax on houses situated within any Union, to be assessed at such rate or rates not exceeding those laid down hereunder, and to be recovered in such manner, as may be approved by the Government, namely:—

	Per annum. Rs. a. p.
On every house classed in the 1st class	... 5 0 0
Do do do 2nd do	... 3 0 0
Do do do 3rd do	... 2 0 0
Do do do 4th do	... 1 0 0
Do do do 5th do	... 0 8 0
Do do do 6th do	... 0 4 0

3. fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892;

4. ferry collections;

5. tolls upon carriages, carts or animals passing along roads and bridges vested in the District Board, subject to such rules as to the rates to be levied, the

purposes for which the net proceeds shall be applied, and other matters, as the Government may, from time to time, prescribe;

6. fees for licenses granted for the temporary erection of pandals and other structures in streets and other public places in a Union at such rates and recoverable in such manner as may be approved by the Government;

7. fees for the temporary use of cart-stands and of markets, market-sites, village-sites and other similar public places on the occasion of fairs and festivals, at such rates as may be fixed by the District Board;

8. rents and profits accruing from buildings and other property vesting in the District Board under sections 5 and 19;

9. the sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board, and of timber fallen or felled therefrom;

10. all sums assigned to the fund by the Government, or contributed thereto by local bodies or private persons; and

11. all sums received by the District Board in the execution of this Regulation.

Explanation.—"House" includes any shop or warehouse.

Custody of District Fund.

(2) The District Fund shall be vested in the District Board, and the balance standing to the credit of the Fund shall be kept in the Government Treasury of the District.

Investment of District Fund.

(3) The District Board may from time to time, with the previous sanction of the Government, invest any portion of the District Fund in securities of the Government of India or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment for others of the same nature, or dispose of them. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the District Fund.

Purposes to which the District Fund shall be applicable.

21. (1) The District Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters, specified in sections 7 and

18, within the area subject to the authority of the District Board, and, with the sanction of the Government, outside of that area, and also to the following purposes:—

for the payment of such portion of the cost of—

(*a*) the clerical, supervising and auditing establishments employed in the offices of Government, the Comptroller and the Deputy Commissioners of Districts in connection with the operations of Local Boards, and of

(*b*) the Provincial Departments for education, medical aid, sanitation, vaccination and public works,

as may be held by the Government to be equitably debitable to the District Board in return for services rendered by the said establishments and Departments.

(2) When a Taluk Board has been declared independent under section 13, such portion of the District Fund as the Government may from time to time fix in this behalf shall, during its independence, be annually set apart and placed at its disposal, and shall, for the purposes of this Regulation, be treated as a separate District Fund.

Appointment of Finance Committees.

22. (1) Every District Board shall appoint a Finance Committee consisting of not less than three of its number.

Annual estimates of income and expenditure.

(2) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Finance Committee shall submit to the Board, in such form as the Government may, from time to time, by rule prescribe, an estimate of the income and expenditure of the Board for the next official year.

(3) The District Board shall consider the estimate, and may approve of it with or without modification.

(4) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to pass, or to reject, or to modify, all or any of the items entered in the estimate; and no expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.

Annual accounts and audit.

23. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be after the end of each official year by such persons as the Government from time to time appoints in this behalf.

Inspection of estimates and accounts.

24. The District Board shall cause a copy of every estimate approved under section 22 and of every account made up under section 23 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Publication of abstract of accounts.

25. An abstract of every annual account of a District Board, showing the income of the District Fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the District Board in such form as the Government, from time to time, prescribes, and published annually in the official Gazette in English and in Kanarese.

CHAPTER IV.

CONTROL.

Deputy Commissioner's power of supervision.

26. (1) The Deputy Commissioner of a District shall have power to supervise the proceedings of the District Board, and of every Taluk Board, Joint Committee, or Panchayat in the district, and in the exercise of that power may (among other things)—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by the District Board, Taluk Board, Committee or Panchayat, or any work in progress under its direction;

(*b*) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the District Board, Taluk Board, Committee or Panchayat; and

(*c*) require the District Board, Taluk Board, Committee or Panchayat to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of several districts, the Deputy Commissioner of any of those districts may exercise a like power

in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, whose decision shall be final.

Delegation of Deputy Commissioner's power to subordinate Officer.

(3) The power given under this section to a Deputy Commissioner may, with the sanction of the Government, be delegated by him, in respect of a District Board or Taluk Board, to a subordinate officer not below the rank of an Assistant Commissioner, and, in respect of a Panchayat, to a subordinate officer not below the rank of an Amildar or Deputy Amildar.

Power to suspend execution of orders, &c.

27. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a District Board, Taluk Board, Joint Committee, or Panchayat, or the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

28. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a District Board, Taluk Board or Panchayat is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers given to him by this section.

Power to provide for performance of duties in default of District Board.

29. (1) When the Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

Power to supersede District or Taluk Board or Panchayat in case of incompetency, default or abuse of powers.

30. (1) If a District Board, Taluk Board or Panchayat is not competent to perform, or, persistently make default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may by an order published, with the reasons for making it, in the official Gazette, declare the District Board, Taluk Board or Panchayat to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of District or Taluk Board or Panchayat.

(2) When a District Board, Taluk Board or Panchayat is so superseded, the following consequences shall ensue:—

(*a*) all members of the District Board, Taluk Board or Panchayat shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the District Board, Taluk Board or Panchayat may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf;

Section 31.

(*c*) where a District Board is superseded, all property vested in it shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the order, the District Board, Taluk Board or Panchayat shall be re-established by appointment or election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

Rules.

Power to make rules under Regulation.

31. The Government may, from time to time, make rules consistent with this Regulation, and with reference (if necessary) to the varying circumstances of different local areas,—

(*a*) as to the strength of each District Board, Taluk Board and Panchayat, the number and proportion of elected and appointed members, the qualifications, mode and time of election or appointment, term of office, removal, retirement, and remuneration and allowances (if any) of members and the filling of casual vacancies

(*b*) as to the conduct of proceedings of District Boards, Taluk Boards and Panchayats, including the appointment and powers of the President, of the Vice-President, and of the Chairman, the fixing of a quorum, the giving of the casting vote in cases of equal division, the minimum number of meetings to be held and the maximum interval between successive meetings, the formation of committees, and the delegation of powers to such committees;

(*c*) as to the mode of entering into and executing contracts and transfers of property on behalf of District Boards, and the authority on which money may be paid from the District Fund;

(*d*) as to the mode of assessment and recovery of house-tax, and the cases in which remissions thereof or exemptions therefrom, may be allowed;

(*e*) as to the appointment and payment of auditors of the accounts of District Boards, Taluk Boards and Panchayats;

(*f*) as to the apportionment of the District Fund between the general purposes of the district and the

purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area ;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the District Fund, and of estimates of receipts and expenditure, and the authority by whom, and the conditions subject to which, such plans and estimates for works and estimates of receipts and expenditure may be sanctioned ;

(*h*) as to the agency by which works partly or wholly constructed out of the District Fund shall be executed ; and

(*i*) generally, for the guidance of District Boards, Taluk Boards, Committees, Panchayats and Government Officers in all matters connected with the administration of this Regulation and for settling their relations to one another.

Publication of rules.

32. All rules made by the Government under this Regulation shall be published in the official Gazette both in English and in Kanarese.

CHAPTER V.

EXCEPTIONAL AND SUPPLEMENTAL PROVISIONS.

Power under special circumstances to except District from operation of Regulation.

33. (1) If the circumstances of any district or part of a district are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the official Gazette, except the district or part of the district from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or part of the district until again applied thereto by a subsequent notification of the Government.

Power to make rules in relation to notification under sub-section (1)

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the official Gazette, shall have the force of law.

Acquisition of land.

34. Where any land is required for the purposes of this Regulation, the Government may, at the request of the District Board, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894 ; and, on payment

by the District Board of the compensation awarded under that Regulation and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board.

Penalty on member, officer or servant being interested in contracts made with District or Taluk Board or Committee or Panchayat.

35. (*a*) If any member, officer or servant of a District Board, Taluk Board, Joint Committee or Panchayat appointed under this Regulation is, otherwise than with the permission in writing of the Deputy Commissioner, directly or indirectly interested in any contract made with that Board, Committee or Panchayat, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

(*b*) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company, and a Board, Committee or Panchayat; but he shall not take part in any proceedings of the Board, Committee or Panchayat relating to any such contract.

Liability of member for loss, waste or misapplication of property.

36. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the District Board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Panchayat or of a Taluk Board or of the District Board; and a suit for compensation for the same may be instituted against him in any Court of competent jurisdiction by the District Board with the sanction of the Government.

Panchayats and Taluk Boards saved from law-suits. Appeal against them to lie to District Boards.

37. No suit shall lie against Panchayats or Taluk Boards in respect of anything done by them under the provisions of this Regulation; but any person aggrieved by any act of a Panchayat, or of a Taluk Board may appeal successively to the Taluk and District Boards, or appeal to the District Board, as the case may be, to which such Panchayat or Taluk Board is subordinate, and on failing to obtain redress, may file a suit against the District Board.

Restrictions with respect to actions against District Boards.

38. No action shall be brought against any District Board or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff;

Section 39.

And unless such notice be proved, the Court shall find for the defendant;

And every such action shall be commenced within six months next after the accrual of the cause of action, and not afterwards;

And if any person to whom any such notice of action is given shall, before action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Acts of Boards, &c., not to be invalidated by informalities.

39. No act of a District Board, Taluk Board or Panchayat, or of any Committee, or of any person acting as a President, Vice-President, Chairman or member, shall be deemed to be invalid by reason only of some defect in the establishment of such Board, Panchayat or Committee or on the ground that any member of such Board, Panchayat or Committee was disqualified for such office, or by reason of such act having been done during the period of any vacancy in the office of President, Vice-President, Chairman or member of such Board, Panchayat or Committee.